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Representation # _____



North Dorset Local Plan Part 1

Pre-submission Consultation 29 November 2013 to 24 January 2014

Regulation 19 of Town and Country Planning (Local Planning) (England) Regulations 2012)

Response Form

For each representation you wish to make a separate response form will need to be completed.

This is a formal consultation on the legal compliance and soundness of the Local Plan before it is submitted to the Secretary of State for examination by an Inspector. For advice on how to respond to the consultation and fill in this form please see the 'Guidance Notes for Making Representations' that can be found on the Council's website at www.dorsetforyou.com/planning/north-dorset/planning-policy

Please return completed forms to:

Email: planningpolicy@north-dorset.gov.uk

Post: Planning Policy, North Dorset District Council, Nordon, Salisbury Road, Blandford Forum, Dorset DT11 7LL

Alternatively you can submit your comments online at: www.surveymonkey.com/s/NorthDorsetLocalPlan

Deadline: 5pm on 24 January 2014. Representations received after this time may not be accepted.

Part A – Personal details

This part of the form must be completed by all people making representations as **anonymous comments cannot be accepted**. Representations cannot be treated in confidence as Regulation 22 of the Town and County Planning (Local Planning) (England) Regulations 2012 requires copies of all representations to be made publically available. By submitting this response form on the pre-submission North Dorset Local Plan Part 1 you consent to your information being disclosed to third parties for this purpose, but signatures, private telephone numbers and e-mail addresses or private addresses will not be visible on our web site, although they will be shown on paper copies that will be sent to the Inspector and available for inspection.

*If an agent is appointed, please complete only the Title, Name and Organisation boxes to the personal details but complete the full contact details of the agent. All correspondence will be sent to the agent.

Personal Details (if applicable)*		Agent's Details (if applicable)*
Title	Mr	
First Name	Michel	
Last Name	Nublat	
Job Title (where relevant)		
Organisation (where relevant)		
Address		
Postcode		
Tel. No.		
Email Address		

Part B – Representation

The North Dorset Local Plan 2011 to 2026 Part 1 and its supporting documents have been published in order for representations to be made prior to submission to the Secretary of State for examination. The purpose of the examination is to consider whether the Local Plan complies with the **legal requirements** and is **'sound'**.

If you are seeking to make a representation on the **way** in which documents have been prepared it is likely that your comments or objections will relate to a matter of **legal compliance**.

If you are seeking to make representations on the **content** of the documents it is likely that your comments or objections relate to the **soundness** of the plans and whether it is justified, effective or consistent with national policy.

Further information on the matter of legal compliance and the issue of soundness can be found in the 'Guidance Notes for Making Representations'.

If you need help completing the response form please see a member of the Planning Policy Team at one of the consultation exhibitions or call 01258 484201.

1. Please select which document you are commenting on:

- North Dorset Local Plan 2011 to 2026 Part 1 (please complete Questions 2 to 9)
- Final Sustainability Appraisal Report (please complete Questions 2 and 10)
- Habitats Regulations Assessment (please complete Questions 2 and 10)

2. Please state the part of that document you are commenting on:

Paragraph number: 7.134	Policy/site: 7 - Infrastructure	Policies map:
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3. Do you consider the Local Plan to be legally compliant and prepared in accordance with the Duty to Cooperate, legal and procedural requirements?

- Yes No

4. Do you consider the Local Plan to be 'sound'?

- Yes No

5. If you consider the Local Plan to be unsound please specify your reason(s) by ticking the box(es) that apply below

- It has not been positively prepared
- It is not justified
- It is not effective
- It is not consistent with national policy

6. Please give specific details of why you consider the Local Plan has not been prepared in accordance with the Duty to Co-operate, legal or procedural requirement or why you consider the plan to be unsound. Alternatively, if you wish to support any aspects of the plan please also use this box to set out your comments.

The retention of Saved Policy 1.9 of the North Dorset District-wide Local Plan 2003 regarding Important Open and Wooded Areas is not consistent with National Planning Policy Framework (NPPF) and contributes towards making The North Dorset Plan 2011-2026 Part 1 'unsound'.

The information and evidence justifying and supporting this representation is itemised below.

1. Policy 1.9 of The North Dorset District-wide Local Plan 2003 designated areas of land as IOWA with the intention in protecting those areas from development;

2. North Dorset Local Plan – 2011-2026 Part 1 –Paragraph 8.98 “It has long been recognised that the potential for expansion at Shaftesbury is limited by environmental (mainly landscape and biodiversity) constraints and the limited number of potentially developable sites where the town could be expanded further.”

Consequently all proposed sustainable developments enhancing the existing landscape and

7. What change(s) do you consider are necessary to ensure that the Local Plan is legally compliant and sound? It would be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

I would like to suggest the Council takes a different approach to the designation IOWAs.

I believe the Council had it right when Policy 1.9 of the Local Plan 2001 was replaced in The New Plan for North Dorset March 2010 by DMP3. I suggest that the existing Policies in North Dorset Local Plan – 2001 to 2026 Part 1 accompanied with the supporting documents are sufficiently comprehensive to enable the Council to analyse development proposals without the need to rely upon redundant Policy 1.9.

In allowing sustainable developments on IOWA sites to go forward the Council would be encouraging growth and allowing the community to benefit from facilities and employment potential that these developments would provide. Should the development be residential, The Council and the community will also benefit from the Governments New Homes Bonus Payments made in recognition of their contribution to building new homes sustainably.

8. If your representation is seeking a change, do you consider it necessary to participate in the oral part of the examination?

No, I do not wish to participate in the oral examination

Yes, I would like to participate in the oral examination

9. If you wish to participate in the oral part of the examination please outline why you consider that to be necessary. Please note that the Inspector determines who is heard at the examination.

10. Please outline your comments on the Final Sustainability Appraisal Report or Habitats Regulations Assessment. Comments are not confined to 'soundness' issues, but respondents can express their opinions on the above documents and use it as a reference point on the 'soundness' of the Local Plan.

11. Do you wish to be notified of any of the following? Please tick all that apply. We will contact you using the details you have given above.

- That the Local Plan Part 1 has been submitted for independent examination
- The publication of the recommendations of any person appointed to carry out an independent examination of the Local Plan Part 1
- The adoption of the Local Plan Part 1.

Signature: _____

Date: 22/01/2014

If submitting the form electronically, no signature is required.

Submit Form

This button should attach your form to a pre-addressed email, if it does not, please save the form and send it to planningpolicy@north-dorset.gov.uk

Full text from fields 6 where some text is hidden from view in the pdf

(NB there is no more text in field 7. The text finishes at “homes sustainably”)

Michel Nublat

130

156585

The retention of Saved Policy 1.9 of the North Dorset District-wide Local Plan 2003 regarding Important Open and Wooded Areas is not consistent with National Planning Policy Framework (NPPF) and contributes towards making The North Dorset Plan 2011-2026 Part 1 ‘unsound’.

The information and evidence justifying and supporting this representation is itemised below.

1. Policy 1.9 of The North Dorset District-wide Local Plan 2003 designated areas of land as IOWA with the intention in protecting those areas from development;
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Consequently all proposed sustainable developments enhancing the existing landscape and providing amenity space and facilities should be welcomed. In doing so The Council will be compliant with the vision, aims and objectives of the NPPF in promoting growth. (see 3a – 3d below)

3. The Strategic Housing Land Availability Assessment (SHLAA) - following an exhaustive assessment process sites were evaluated, some IOWA designated, some not. The final report listed the ‘included’ sites, those having development potential and the ‘excluded’ those considered unsuitable for development. Some of the ‘included’ were IOWA designated sites and were considered as potential development sites but unavailable until the IOWA designation was reviewed in a future local plan.

In the Ministerial foreword to NPPF The Minister states :

- a. “Development means growth. We must accommodate the new ways by which we will earn our living in a competitive world. We must house a rising population, which is living longer and wants to make new choices ;
- b. “Our historic environment – buildings, landscapes, towns and villages – can be cherished if their spirit of place thrives, rather than withers”;
- c. “Development that is sustainable should go ahead without delay..”
- d. “...planning must not simply be about scrutiny. Planning be a creative exercise in finding ways to enhance and improve places in which we live our lives” (also appears in paragraph 17 of NPPF)

The retention of outdated Policy 1.9 (IOWA) will contribute in the holding back of potential sustainable developments on IOWA designated sites and thus putting a break on the growth to the region with the consequent loss of much needed infrastructure contributions from developers. Consequently retaining Policy 1.9 as a saved policy is in conflict with the aims & objectives of The NPPF. (see 3a-3d above);

4. Consent for development has been given for areas designated as IOWA - Planning Application numbers 2.2012/1374/PLNG & 2.2012/0066/PLNG are two examples.

This sets precedence and invalidates the initial intention of the designation IOWA consequently making their designation redundant and out of date. (see 6a below);

5. The North Dorset District-wide Local Plan 2003 expired in 2011. As the New Plan was being drafted, policies from the expired Plan were 'Saved' whilst others were replaced. In The Plan for North Dorset dated March 2010 Policy 1.9 regarding IOWAs was replaced by the comprehensive and detailed Development Management Policy 3 (DMP 3) regarding design & the development of open spaces. However, The Pre-submission Document of North Dorset Local Plan – 2011 to 2026, now in consultation, retains Policy 1.9 as a 'saved' policy and to be discussed later in Part2.

Having initially replaced Policy 1.9 the Council must have considered Policy 1.9 outdated and restrictive to growth and consequently had not envisaged carrying this policy over to the New Local Plan. DMP3 was amply detailed allowing any proposed development, on IOWAs and on other sensitive sites, to be rigorously analyzed enabling The Council to determine and measure the sustainability and appropriateness of any proposed development. In retaining Policy 1.9 sustainable developments will be blocked and delayed reducing the potential growth of the region. Future developments are not limited to the provision of dwellings and infrastructure but ones that also deliver employment for the community. (see 3a-3d above and 6a below)

6. Paragraph 14 of The NPPF states:

a. " At the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-making.....For decision making this means:where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:....."

Although the North Dorset Local Plan Part 1 is titled as covering the period 2011-2026, in fact Part 1 is expected to be adopted only in late 2014. Several years will have elapsed before North-Dorset will be equipped with up-to-date planning policies that are in line with and compliant with The NPPF. Consequently in the years ahead until a complete North Dorset Plan in its entirety is complete and adopted all proposed developments in the area should be judged in accordance with the aims and the objectives of the NPPF and the continual use of 'selected' and redundant policies such as 'saved' policy 1.9 should be discontinued and development should go ahead without delay.(see 3c above)

7. The Infrastructure Delivery Plan (IDP) November 2013

a. Paragraph 1.1 of the IDP states: "The Infrastructure Delivery Plan (IDP) is a supporting document for Local Plan Part 1. It covers the plan period to 2026. The IDP will play a key role in coordinating the level of infrastructure and services so that they meet existing and future demands"

b. Paragraph 7.10 of the North Dorset Local Plan Part 1 states “The IDP provides detail on how infrastructure projects will be delivered, it aims to set out- what infrastructure is required / when the necessary infrastructure will be put in place / what likely costs are involved / how those costs will be met / who will deliver that infrastructure ” - this includes the provision of - allotments, amenity open space, informal open space, formal outdoor facilities, village greens, parks and gardens, nature reserves, natural semi-natural green space and green corridors - all detailed in Appendices A & B of the IDP.

To what purpose is Policy 1.9 being retained if future Local Green Spaces as required by the NPPF have in the main already been identified? The designation IOWA is particular to the region and is restrictive to economic and social growth. It also prevents in converting existing ‘stagnant’ open areas into amenity areas that the community can benefit from, as was done successfully in the two planning applications mentioned in item 4 above. In these cases The Council acted in accordance with the aims and objectives of The NPPF, they acted creatively in enhancing those sites. (see 3a-3d above)

8. Paragraph 7.134 of North Dorset Local Plan – 2011-2026 states:

a. “the Important Open or Wooded Areas identified in the North Dorset District-wide Local Plan 2003 will continue to be used for development management purposes.”

If planning applications are to be analysed and judged against planning policy, the phrase “for development management purposes” is not transparent with the risk that potential justifiable, sustainable and necessary developments providing facilities and employment for the community be barred unjustifiably. (see 3c above)



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EXPORTS ?

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Respondent #12 [All Pages](#)

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Collector: North Dorset Local Plan Part 1 (Web Link)
Started: Tuesday, January 21, 2014 11:31:17 PM
Last Modified: Tuesday, January 21, 2014 11:37:27 PM
Time Spent: 00:06:09
IP Address: [REDACTED]

PAGE 1

Q1: Personal Details

Name: Michel Nublât
Address 1: [REDACTED]
City/Town: [REDACTED]
State/Province: [REDACTED]
ZIP/Postal Code: [REDACTED]
Country: [REDACTED]
Email Address: [REDACTED]

Q2: Agent Details (if applicable) - All correspondence will be sent to the agent.

Respondent skipped this question

PAGE 2

Q3: 1. Please select the document you are commenting on:

North Dorset Local Plan 2011 to 2026 Part 1 (please complete Questions 2 to 9)

Q4: 2. To which part of the above document does your representation relate?

Paragraph number 7.134
Policy/site 7 Infrastructure

Q5: 3. Do you consider the Local Plan to be legally compliant and prepared in accordance with the Duty to Cooperate, legal and procedural requirements?

Respondent skipped this question

Q6: 4. Do you consider the Local Plan to be 'sound'?

No

Q7: 5. If you consider the Local Plan to be unsound please specify your reason(s) by ticking the box(es) that apply below

- It is not justified
- It is not effective
- It is not consistent with national policy

PAGE 3

Q8: 6. Please give specific details of why you consider the Local Plan has not been prepared in accordance with the Duty to Co-operate, legal or procedural requirement or why you consider the plan to be unsound. Alternatively, if you wish to support any aspects of the plan please also use this box to set out your comments.

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a. "the Important Open or Wooded Areas identified in the North Dorset District-wide Local Plan 2003 will continue to be used for development management purposes."
If planning applications are to be analysed and judged against planning policy, the phrase "for development management purposes" is not transparent with the risk that potential justifiable, sustainable and necessary developments providing facilities and employment for the community be barred unjustifiably. (see 3c above)

Q9: 7. What change(s) do you consider are necessary to ensure that the Local Plan is legally compliant and sound? It would be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

I would like to suggest the Council takes a different approach to the designation IOWAs.

I believe the Council had it right when Policy 1.9 of the Local Plan 2001 was replaced in The New Plan for North Dorset March 2010 by DMP3. I suggest that the existing Policies in North Dorset Local Plan – 2001 to 2026 Part 1 accompanied with the supporting documents are sufficiently comprehensive to enable the Council to analyse development proposals without the need to rely upon redundant Policy 1.9.

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Should the development be residential, The Council and the community will also benefit from the Governments New Homes Bonus Payments made in recognition of their contribution to building new homes sustainably.

Q10: 8. If your representation is seeking a change, do you consider it necessary to participate in the oral part of the examination?

No, I do not wish to participate in the oral examination

Q11: 9. If you wish to participate in the oral part of the examination please outline why you consider that to be necessary. Please note that the Inspector determines who is heard at the examination.

Respondent skipped this question

Q12: 10. Please outline your comments on the Final Sustainability Appraisal Report or Habitats Regulations Assessment. Comments are not confined to 'soundness' issues, but respondents can express their opinions on the above documents and use it as a reference point on the 'soundness' of the Local Plan.

Respondent skipped this question

Q13: 11. Do you wish to be notified of any of the following? Please tick all that apply. We will contact you using the details you have given above.

That the Local Plan Part 1 has been submitted for independent examination

The publication of the recommendations of any person appointed to carry out an independent examination of the Local Plan Part 1

The adoption of the Local Plan Part 1.

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Form submission from Dorset for you

Label

Your name

Michel Nublat

Your email

[REDACTED]

Comments/questions

[REDACTED]
For the attention of Mr Trevor Warwick (I attempted to send this e-mail directly to his email, TWarrick@north-dorset.gov.uk, but failed on the two occasions also sent to Customer services at customerservices@north-dorset.gov.uk but email also returned)

)

Ref. your e-mail dated 28th November 2013

Dear Mr. Warwick,

My sister Anne Andrew copied me in on the e-mail you sent her regarding North Dorset Local Plan ? 2011 to 2026 Part 1 - Pre-submission Consultation 29 November 2013 to 24 January 2014. Although I have requested on several occasion to be included on your Department's mailing list I still am not receiving your updates as she is, I would be grateful if this could be corrected.

My sister and myself are joint owners of a plot of land adjacent to the A350 , The Lower Blandford Road, and south of the Royal Chase roundabout which we inherited from my mother.

The plot was classified as an important and wooded area back when the 2003-2011 Local Plan for North Dorset was drafted. Both living away from the area and not receiving updates we were not aware or notified at the time that our plot was to be classified as IOWA, had we known we would of had at least the opportunity to contest it.

I have been accompanying closely the drafting of the North Dorset Local Plan 2011-2026 so on receipt of the latest draft of the North Dorset Local Plan - 2011 to 2016 Part 1 it surprised me to read that the saved policy 1.9 regarding IOWA, previously listed in Appendix A as to be replaced by DPM 3 is now to be retained and only to be reviewed once Part 1 has been adopted or decided upon by the Neighbourhood Planning Group.

My sister and myself are both very disappointed as once the New Plan would have adopted scheduled to be in late 2014, we were intending to propose a sensitive development of the site either with aided retirement flats / nursing home or retiree bungalows, which I believe are both in shortage.

I understand that Part 2 will be concerned with the allocation of sites. Our plot was one of the included ones in the North Dorset SHLA April 2012, the plot was considered suitable and available for development but not achievable in reason of its classification as IOWA and consequently a longer term potential. As saved policy 1.9 in previous drafts of the 'New Local Plan' was envisaged to be replaced we saw the light at the end of the tunnel regarding the possible development of our plot.

I would be grateful if you could shed light on this change in direction regarding saved policy 1.9 and perhaps advise how we should proceed to have its classification as an IOWA reviewed in light of a development we hoped to propose that should benefit the community.

Kind Regards

Michel Nublat

Do not fill

14:49 (0 minutes ago)

Message truncated -----

Mr. Warwick,

Delivery Subsystem <mailer-daemon@googlemail.com>

From: Michel Nublat [REDACTED]

To: planningpolicy@north-dorset.gov.uk

Content-Type: multipart/alternative; boundary=bcaec50e5f2961f3ac04ed815cee

----- Message truncated -----

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Mail Delivery Subsystem

Dear Mr. Warwick,

I thank you for your e-mail dated 11th December in reply to mine.

I have cut and pasted above for you to see that the reply to your email, using REPLY and forwarding to your team was unsuccessful.

I would be grateful if you could clarify what you meant with " You may wish to suggest that the Council takes a different approach in relation to existing IOWAS" , my understanding is that the Council is in favour of the controlled but sustainable development of IOWAs those developments that enhance the existing landscape and the open space and contribute to the provision of facilities for the community.

Regards

Michel Nublat

Do not fill